

<p>Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE WESTERN DISTRICT OF NORTH CAROLINA</p> <p>3 CHARLOTTE DIVISION</p> <p>4 CASE NO. 3:16-cv-00695GCM</p> <p>5 BARONIUS PRESS, LTD.,)</p> <p>6 Plaintiff,)</p> <p>7 vs.)</p> <p>8 SAINT BENEDICT PRESS, LLC)</p> <p>9 Defendant.)</p> <p>10 _____)</p> <p>11</p> <p>12 VIDEOTAPE 30B(b) (6) DEPOSITION OF BARONIUS PRESS, LTD.</p> <p>13 BY PAVEL KEJIK</p> <p>14 (Taken by Defendant)</p> <p>15 Charlotte, North Carolina</p> <p>16 Wednesday, March 21, 2018</p> <p>17 VOLUME I</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 Reported in Stenotype by</p> <p>25 Mary L. Labonte, RPR</p> <p>Transcript produced by computer-aided transcription</p>	<p>Page 3</p> <p>1 INDEX</p> <p>2 EXAMINATION</p> <p>3</p> <p>4 EXAMINATION BY MS. POTTER 5</p> <p>5</p> <p>6 * * * * *</p> <p>7 EXHIBITS</p> <p>8 EXHIBIT DESCRIPTION PAGE</p> <p>9 Exhibit 1 Verification Page 6</p> <p>10 Exhibit 2 Verification Page 6</p> <p>11 Exhibit 3 Verification Page 7</p> <p>12 Exhibit 4 Amended Deposition Notice 9</p> <p>13 Exhibit 5 Supplemental Responses 54</p> <p>14 Exhibit 6 Memorandum of Agreement 79</p> <p>15 Exhibit 7 Memorandum of Agreement 80</p> <p>16 Exhibit 8 Addendum to Memorandum of Agreement 83</p> <p>17 Exhibit 9 Certificate of Registration 89</p> <p>18 Exhibit 10 Certificate of Registration 90</p> <p>19 Exhibit 11 Supplementary Contract 92</p> <p>20 Exhibit 12 Letter to TAN Books 97</p> <p>21 Exhibit 13 E-mails, Lynn Carson and TAN Books 102</p> <p>22 Exhibit 14 Letter, Baronius Press to TAN Books 111</p> <p>23 Exhibit 15 Line of Ownership 114</p> <p>24 Exhibit 16 E-mails, Baronius Press and Mercier 123</p> <p>25</p>
<p>Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFF:</p> <p>4</p> <p>5 MARK W. ISHMAN, ESQUIRE</p> <p>6 ISHMAN LAW FIRM, P.C.</p> <p>7 Forum I Building</p> <p>8 8601 Six Forks Road, Suite 400</p> <p>9 Raleigh, North Carolina 27615</p> <p>10 919.468.3266</p> <p>11 mishman@ishmanlaw.com</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANT:</p> <p>14</p> <p>15 NATALIE D. POTTER, ESQUIRE</p> <p>16 JONATHAN E. BUCHAN, ESQUIRE</p> <p>17 ESSEX RICHARDS, PA</p> <p>18 2710 South Boulevard</p> <p>19 Charlotte, North Carolina 28203</p> <p>20 704.377.4300</p> <p>21 npotter@essexrichards.com</p> <p>22 jbuchan@essexrichards.com</p> <p>23</p> <p>24 ALSO PRESENT:</p> <p>25 SEAN LOWTHER, VIDEOGRAPHER</p>	<p>Page 4</p> <p>1 On March 21, 2018, commencing at 9:08 a.m., the</p> <p>2 Videotape 30(b) (6) Deposition of BARONIUS PRESS, LTD.,</p> <p>3 BY PAVEL KEJIK was taken pursuant to notice and</p> <p>4 pursuant to Rules 26 and 30 of the Federal Rules of</p> <p>5 Civil Procedure on behalf of the Defendant, at the law</p> <p>6 offices of Essex Richards, 1701 South Boulevard,</p> <p>7 Charlotte, North Carolina.</p> <p>8 THE VIDEOGRAPHER: Today's date is</p> <p>9 March 21, 2018. The time on the monitor is</p> <p>10 approximately 9:08 a.m. and we're now on the record.</p> <p>11 Here begins volume one, media number one, in the</p> <p>12 30(b) (6) deposition of Paul Kejik in the matter of</p> <p>13 Baronius Press, Ltd., Plaintiffs, versus Saint</p> <p>14 Benedict Press LLC, Defendants.</p> <p>15 The case is in the United States District</p> <p>16 Court for the Western District of North Carolina,</p> <p>17 Charlotte Division, Case Number 3:16-cv-00695-GCM.</p> <p>18 Location of the deposition is the law</p> <p>19 offices of Essex Richards, P.A. at 1701 South</p> <p>20 Boulevard, Charlotte, North Carolina 28203.</p> <p>21 My name is Sean Lowther, videographer, and</p> <p>22 the court reporter is Mary Labonte and we're</p> <p>23 representing CaseWorks Court Reporting.</p> <p>24 If counsel would please state your name and</p> <p>25 whom you represent, starting with Attorney Potter.</p>

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1 in the United States.
2 Q. Okay. How many employees does Baronius
3 Press have?
4 A. Zero.
5 Q. Zero employees. How is Mr. Healy
6 compensated?
7 A. He gets paid for his work he does, if he
8 gets paid.
9 Q. What does Mr. Healy do?
10 A. Whatever I contract him to do.
11 Q. Such as what?
12 A. Research, organizing things, finding people.
13 Q. What kind of research?
14 A. Research on printers, editors, shipping,
15 acquiring rights.
16 Q. And you said "organizing." What kind of
17 organizing does he do?
18 A. For example organizing shipping.
19 Q. Would he organize shipping to the United
20 States?
21 A. As well.
22 Q. And "finding people" you stated. Who is he
23 finding?
24 A. Contractors, translators, editors.
25 Q. What kind of contractors?

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1 A. That's what I said, translators, editors.
2 Q. Does Baronius Press currently collect and
3 remit U.S. sales taxes from its U.S. customers?
4 A. We're not obliged to do that.
5 Q. I'm sorry?
6 A. After -- after I advise from a professional,
7 we are told that that is not necessary.
8 Q. So it does not collect and remit U.S. sales
9 tax?
10 A. No.
11 Q. How many employees does -- sorry. I already
12 asked you that question. Who is Linda Lorenz?
13 A. Linda Lorenz is a person working for Jentre
14 Products.
15 Q. She works for Jentre?
16 A. Jentre.
17 Q. She does not work for Baronius Press?
18 A. As an employee?
19 Q. Correct.
20 A. No.
21 Q. What does Linda Lorenz do for Baronius
22 Press?
23 A. Accept -- they are our fulfillment
24 warehouse. Occasionally we ask her to do other admin
25 stuff for us.

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1 Q. Such as what?
2 A. Sending out letters.
3 Q. What kind of letters?
4 A. Chase letter for outstanding payment.
5 Q. What else does she do?
6 A. For us?
7 Q. Uh-uh.
8 A. I think that's pretty much all of it.
9 Q. Is Ms. Lorenz an attorney?
10 A. No.
11 Q. Does she -- she doesn't perform any other
12 admin duties on behalf of Baronius?
13 A. I don't know what admin duties, what do you
14 mean by that?
15 Q. You said -- I'm sorry. You said earlier
16 that she performs some administrative duties.
17 A. Sending out letters, signing forms on our
18 behalf if necessary if they cannot be done by us.
19 Q. What kind of forms?
20 A. Any that needs to be done.
21 Q. Does that include legal forms?
22 A. I don't know what do you mean by legal
23 forms.
24 Q. Does she sign applications for you? Does
25 she sign -- you tell me. You're telling me that she

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1 does -- performs administrative duties on behalf of
2 Baronius. You tell me what she does.
3 A. For example, when she -- when she sent
4 something for us, she did sign for us the cap
5 registration form. She acted as our -- as the agent.
6 Q. When you say registration form, are you
7 referring to the copyright registration form?
8 A. Correct.
9 Q. And why didn't you sign that?
10 A. Because it had to be handwritten.
11 Q. And so, I'm sorry, why didn't you just
12 handwrite it?
13 A. Because it would take some time to get to
14 the U.S.A. and we wanted to register it as soon as
15 possible.
16 Q. And at the time Ms. Lorenz completed the
17 copyright applications, she was not an employee of
18 Baronius. Correct?
19 A. That's correct.
20 Q. How many titles does Baronius Press own?
21 A. Own?
22 Q. Uh-huh.
23 A. I'm not sure how many.
24 Q. Would you say it's less than 100 or more
25 than 100?